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23 EDUCATIONAL CREDIT
24 MANAGEMENT CORPORATION and
25 ECMC GROUP

26 UNITED STATES DISTRICT COURT
27 FOR THE EASTERN DISTRICT OF CALIFORNIA
28
SHEILA KINCAID, individually, and on
behalf of other members of the general
public similarly situated;

Plaintiff,

vs.

EDUCATIONAL CREDIT
MANAGEMENT CORPORATION, an
unknown business entity; ECMC GROUP,
an unknown business entity; and DOES 1
through 100, inclusive,
Defendants.

Case No. 2:21-CV-00863-TLN-JDP

**JOINT STIPULATION TO STAY
DISCOVERY; ORDER**

Complaint Filed: February 26, 2021

Trial Date: None Set

District Judge: Hon. Troy L. Nunley

TO THE HONORABLE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF
RECORD:

Plaintiff Sheila Kincaid and Defendants Educational Credit Management Corporation and
ECMC Group (“Defendants”) (together, the “Parties”) respectively submit the following Joint

1 Stipulation as follows:

2 WHEREAS, on February 26, 2021, Plaintiff filed her original Class Action Complaint
3 (“Complaint”) in the Superior Court of the State of California for the County of Sacramento, Case
4 No. 34-2021-00295336 (the “State Court Action”), asserting the following ten causes of action on
5 a class-wide basis: (1) Unpaid Overtime; (2) Unpaid Meal Period Premiums; (3) Unpaid Rest
6 Period Premiums; (4) Unpaid Minimum Wages; (5) Final Wages Not Timely Paid; (6) Wages Not
7 Timely Paid During Employment; (7) Non-Compliant Wage Statements; (8) Failure to Keep
8 Requisite Payroll Records; (9) Unreimbursed Business Expenses; and (10) Violation of California
9 Business & Professions Code sections 17200 et seq.

10 WHEREAS, on May 12, 2021, Defendants removed the State Court Action to this Court.

11 WHEREAS, on June 11, 2021, Plaintiff filed a motion to remand this action to California
12 state court. Defendants filed an opposition to the motion to remand on July 8, 2021. Plaintiff filed
13 a reply on July 15, 2021. A ruling on the motion has not been issued.

14 WHEREAS, on or about November 17, 2021, Plaintiff served on Defendants various
15 written discovery requests and deposition notices.

16 WHEREAS, pursuant to this Court’s Initial Pretrial Scheduling Order dated May 13, 2021,
17 all discovery in this matter must be completed by February 4, 2022.

18 WHEREAS, the Parties have agreed to attend a private mediation on May 20, 2022, with
19 an experienced wage-and-hour class action mediator, the Honorable Howard Broadman, in an
20 effort to resolve Plaintiff’s claims on a class-wide basis, and have agreed to exchange documents,
21 records, and other information involving a sampling of the putative class to facilitate potential
22 resolution.

23 WHEREAS, in order to avoid the expense of conducting formal discovery pending
24 potential resolution, and in order to allow the Parties to focus their time, efforts, and resources on
25 mediation, IT IS HEREBY STIPULATED AND AGREED BETWEEN THE PARTIES, BY
26 AND THROUGH THEIR COUNSEL OF RECORDS, THAT:

1. All discovery in this matter against or by Plaintiff or Defendants be stayed through
2 the conclusion of the private mediation before the Honorable Howard Broadman
3 scheduled for May 20, 2022.
4. If resolution of this case is not reached by the conclusion of the mediation, the
5 Parties agree that all pending discovery need not be re-served and that the Parties
6 will meet and confer in good faith as to what new deadlines, if any, should be reset
7 as to all pending discovery.
8. The Parties agree that they will request that the Court extend the deadline for the
9 completion of discovery to December 23, 2022.
10. The Parties agree that they will request that the Court extend the deadline for the
11 designation of expert witnesses to February 21, 2023.
12. The Parties agree that they will request that the Court extend the deadline for the
13 designation of any supplemental list of expert witnesses to March 23, 2023.
14. The Parties agree that they will request that the Court extend the deadline to file
15 dispositive motions to June 22, 2023.

IT IS SO STIPULATED.

LAWYERS FOR JUSTICE, PC
TARA ZABEHI

Date: December 10, 2021

By: /s/ Tara Zabehi (as authorized on 12/10/21)
Attorneys for Plaintiff Sheila Kincaid

DILLINGHAM & MURPHY, LLP
CARLA J. HARTLEY
CYNTHIA C. CHEUNG

Date: December 10, 2021

By: /s/ Cynthia C. Cheung
Attorneys for Defendants
Educational Credit Management Corporation
and ECMC Group

ORDER

The Court, having received and reviewed the foregoing Joint Stipulation to Stay Discovery, and good cause appearing, hereby GRANTS the Parties' joint request and ORDERS the following:

1. All discovery in this matter against or by Plaintiff or Defendants be stayed through the conclusion of the private mediation before the Honorable Howard Broadman scheduled for May 20, 2022.
2. If resolution of this case is not reached by the conclusion of the mediation, all pending discovery need not be re-served and the Parties shall meet and confer in good faith as to what new deadlines, if any, should be reset as to all pending discovery.
3. The deadline for the completion of discovery shall be extended to December 23, 2022.
4. The deadline for the designation of expert witnesses shall be extended to February 21, 2023.
5. The deadline for the designation of any supplemental list of expert witnesses shall be extended to March 23, 2023.
6. The deadline to file dispositive motions shall be extended to June 22, 2023.

IT IS SO ORDERED.

Dated: December 13, 2021

Troy L. Nunley
United States District Judge

Troy L. Nunley
United States District Judge